

The Honorable Lauren King

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON, et al.,

NO. 2:25-cv-244

Plaintiffs,

ORDER GRANTING PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION

v.

DONALD J. TRUMP, in his official
capacity as President of the United States,
et al.,

[PROPOSED]

Defendants.

NOTE ON MOTION CALENDAR:
February 28, 2025, at 2:00 p.m.

ORAL ARGUMENT REQUESTED

I. INTRODUCTION

This matter came before the Court on the Motion for a Preliminary Injunction filed by the States of Washington, Minnesota, Oregon, and Colorado (collectively, Plaintiff States) and Physician Plaintiff 1, Physician Plaintiff 2, and Physician Plaintiff 3 (all collectively, Plaintiffs). Plaintiffs challenge Executive Order 14,187, issued January 28, 2025, by President Trump entitled "Protecting Children from Chemical and Surgical Mutilation" and Executive Order 14,168 issued on January 20, 2025, entitled "Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government." Having considered the motion, Defendants' response, if any, and the argument of the parties, if any, the Court GRANTS Plaintiffs' Motion for a Preliminary Injunction effective immediately which shall continue until

1 further order from the Court. The Court enters the following findings of fact and conclusions of
2 law.

3 II. FINDINGS OF FACT

4 1. This Court granted a 14-day temporary restraining order against Defendants in
5 this matter on February 14, 2025, and set the hearing for this preliminary injunction motion at
6 that time. Defendants had notice of the prior motion for temporary restraining order and were
7 heard at the hearing on that motion. They were provided notice of this motion for preliminary
8 injunction.

9 2. Plaintiffs face irreparable injury as a result of the signing and implementation of
10 Executive Orders 14,187 and 14,168. The Orders harm Plaintiffs by forcing medical institutions
11 and providers within the Plaintiff States to choose between exercising their medical judgment
12 and ethical obligations in providing gender-affirming medical care to their adolescent patients
13 or risking losing substantial federal funding. Under the Orders, physicians and providers face
14 the risk of criminal liability for providing gender-affirming medical care. The threats to defund
15 research and education grants and applying 18 U.S.C. § 116 to medical professionals providing
16 gender-affirming care and families receiving such care will reduce the provision of
17 gender-affirming care to individuals suffering from gender dysphoria in the Plaintiff States. The
18 White House has agreed that the Order has caused hospitals to downsize or eliminate
19 gender-affirming care programs.

20 3. These harms are immediate, ongoing, and significant, and cannot be remedied in
21 the ordinary course of litigation.

22 4. A preliminary injunction against Defendants, as provided below, is necessary to
23 preserve the status quo and prevent irreparable harm during the pendency of this case.

24 III. CONCLUSIONS OF LAW

25 5. The Court has jurisdiction over Defendants and the subject matter of this action.

26 6. The Defendants had notice sufficient under Fed. Rule Civ. Pro. 65(a)(1).

1 7. The Court deems no security bond is required under Fed. R. Civ. Pro. Rule 65(c)
2 because Defendants will not suffer any costs from the preliminary restraining order.

3 8. To obtain a preliminary injunction, Plaintiffs must establish (1) they are likely to
4 succeed on the merits; (2) irreparable harm is likely in the absence of preliminary relief; (3) the
5 balance of equities tips in the Plaintiffs' favor; and (4) an injunction is in the public interest.
6 *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); Fed. R. Civ. P. 65(b)(1).

7 9. Plaintiffs are likely to succeed on the merits of their claims. Plaintiffs are likely
8 to succeed in demonstrating that both Executive Order 14,168 and 14,187 facially discriminate
9 based on transgender status and sex and are thus subject to heightened scrutiny. *Doe v. Horne*,
10 115 F.4th 1083, 1102 (9th Cir. 2024); *Hecox v. Little*, 104 F.4th 1061, 1080 (9th Cir. 2024), *as*
11 *amended* (June 14, 2024) (applying heightened scrutiny to discrimination based on sex and
12 transgender status). Order 14,168 expressly classifies based on transfer status and sex by
13 prohibiting federal funding to programs that “promote[] gender ideology” by accepting the fact
14 that transgender and gender diverse people exist, including programs that provide gender-
15 affirming care to transgender and gender diverse people. Order 14,187 expressly classifies based
16 on transgender status and sex by penalizing and criminalizing healthcare only when provided to
17 “an individual who does not identify as his or her sex,” “to align an individual’s physical
18 appearance with an identity that differs from his or her sex,” or to “transform an individual’s
19 physical appearance to align with an identity that differs from his or her sex or that attempt to
20 alter or remove an individual’s sexual organs to minimize or destroy their natural biological
21 functions.” Executive Order 14,187, § 2(c). Plaintiffs are also likely to succeed in demonstrating
22 that there is no non-discriminatory justification for singling out and criminalizing the medical
23 decisions made by transgender youth, their parents, and their doctors, given that gender-
24 affirming care is supported by all major medical associations as medically appropriate and often
25 life-saving care for alleviating the significant distress of adolescents facing gender dysphoria.
26

1 10. Plaintiffs are likely to succeed in showing that the Executive Orders violate the
2 constitutional separation of powers by attaching conditions to funds appropriated by Congress
3 without authorization by Congress. *City & Cnty. of San Francisco v. Trump*, 897 F.3d 1225,
4 1245 (2018).

5 11. Plaintiffs are likely to succeed in showing that the Executive Orders thus intrude
6 on rights reserved by the Plaintiff States to regulate the practice of medicine in their own states
7 in violation of the Tenth Amendment. *Rush Prudential HMO, Inc. v. Moran*, 536 U.S. 355, 387
8 (2002); *Dent v. West Virginia*, 129 U.S. 114, 122 (1889) (recognizing the state's powers to
9 regulate medical professions from "time immemorial").

10 12. Plaintiffs are likely to succeed in showing that the Executive Orders are
11 unconstitutionally vague in violation of the Fifth Amendment because they define "sex," "male,"
12 and "female" in non-scientific, nonsensical, and impossible to apply ways such that no person
13 would be "male" or "female" under their terms. It is thus impossible to know what the Executive
14 Orders prohibit, and a person of ordinary intelligence would be unable to comply with the Orders
15 rendering them unconstitutionally vague. *See United States v. Williams*, 553 U.S. 285, 304
16 (2008).

17 13. Plaintiffs have also shown that they are likely to suffer irreparable harm in the
18 absence of preliminary relief. The Executive Orders directly impact Plaintiffs, immediately
19 risking substantial federal research and education grants and threaten prosecution for the
20 provision of medical care that is lawful in the Plaintiff States. The Order also irreparably harms
21 transgender and gender-diverse residents in the Plaintiff States, depriving them of their
22 constitutional right to equal protection.

23 14. The balance of equities tips sharply toward Plaintiffs and the public interest
24 strongly weighs in favor of entering temporary relief.
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IV. PRELIMINARY INJUNCTION

Now, therefore, it is hereby ORDERED that:

1. Defendants and all their respective officers, agents, servants, employees and attorneys, and any person in active concert or participation with them who receive actual notice of this order are hereby fully enjoined from the following:

a. Enforcing or implementing Section 4 of Executive Order 14,187 within the Plaintiff States or against health care providers for gender-affirming care provided in Plaintiff States;

b. Enforcing or implementing Section 8(a) of Executive Order 14,187 within the Plaintiff States, against health care providers for gender-affirming care provided in Plaintiff States, or against families receiving health care provided in Plaintiff States to the extent that Section 8(a) of Executive Order 14,187 purports to redefine “female genital mutilation” under 18 U.S.C. § 116 as “chemical and surgical mutilation” as defined in Section 2(c) of Executive Order 14,187;

c. Enforcing 18 U.S.C. § 116 against health care providers for gender-affirming care provided in Plaintiff States or against families receiving health care provided in Plaintiff States to the extent that Section 8(a) of Executive Order 14,187 purports to redefine “female genital mutilation” under 18 U.S.C. § 116 as “chemical and surgical mutilation” as defined in Section 2(c) of Executive Order 14,187;

d. Enforcing Sections 3(e) or 3(g) of Executive Order 14,168 to condition or withhold federal funding based on the fact that a health care entity or health professional provides gender-affirming care within the Plaintiff States or against health care providers for gender-affirming care provided in Plaintiff States;

e. Defendants’ attorneys shall provide written notice of this Order to all Defendants and agencies and their employees, contractors, and grantees by March ___, 2025. Defendants shall file a copy of the notice on the docket at the same time.

2. This preliminary injunction remains in effect pending further orders from this Court.

DATED this this ____ day of February 2025.

THE HONORABLE LAUREN KING
United States District Court Judge

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23 *pro hac vice application pending
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